

Lachlan Shire Council - D Ward Local Government by-election

16 February 2019

Report on the conduct of the election

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Election timetable

Activity	Date
Local Government expenditure period commenced	Wednesday, 2 January 2019
Registration for candidates, third-party	Wednesday, 12 December 2018
campaigners and official agents opened	
Close of rolls*	Monday, 7 January 2019, 6pm
Close of nominations	Monday, 7 January 2019, 12noon
Registration of electoral material commenced	Wednesday, 16 January 2019
Close of registration of candidates	Wednesday, 16 January 2019
Pre-poll voting commenced	Monday, 4 February 2019
Registration of electoral material closed	Friday, 8 February 2019, 5pm
Close of registration of third-party campaigners	Friday, 8 February 2019
Postal voting applications closed	Monday, 11 February 2019, 5pm
Pre-poll voting finished	Friday, 15 February 2019, 6pm
Election day	Saturday, 16 February 2019
Local government expenditure period ended	Saturday, 16 February 2019
Return of postal votes closed	Monday, 18 February 2019, 6pm
Distribution of preferences	Tuesday, 19 February 2019
Declaration of the poll	Wednesday, 20 February 2019
By-election report published	Thursday, 22 August 2019
* For nomination and roll printing purposes	

* For nomination and roll printing purposes.

Foreword

I am pleased to present the NSW Electoral Commission's report on the conduct of the Lachlan Shire Council - D Ward Local Government by-election held on Saturday, 16 February 2019, to fill the vacancies created by the death of Councillor Max Frankel and the resignation of Councillor john Ridley. Councillors Elaine Bendall and Dennis Brady were declared elected on Wednesday, 20 February 2019.

I am grateful to the staff, suppliers and contractors who contributed to the successful conduct of this by-election.

John Schmidt

John Schmidt

Electoral Commissioner

Overview

By-election outcome

The candidates elected at the Lachlan Shire Council - D Ward by-election on Saturday, 16 February 2019 were Elaine Bendall (Independent) and Dennis Brady (Independent) with 357 and 90 votes respectively, 61.23 and 15.44 per cent per cent of first preference votes.

Candidates standing for election

Candidate name	Party affiliation
Graham SCOTT	
Liz LEVY	Independent
Dennis BRADY	Independent
Elaine BENDALL	Independent

Cost data

Cost of by-election	\$29,178
Cost per elector	\$35.11

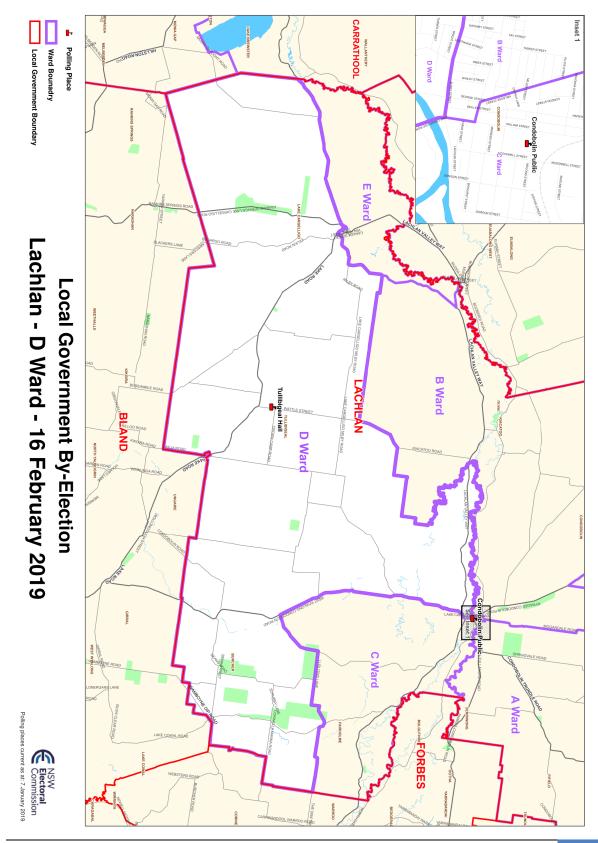
By-election summary

Enrolment	
Total electors	831
Voting venues	
Pre-poll venues	1
Polling places	2
Voter turnout	
Formal votes	564
Informal votes	19
Total votes	583
Voter turnout rate	67.63%
Formality rate	96.40%
Non-voting penalty notices issued	181 ¹
Penalty notices issued as % of roll	21.70%
Voting options used by electors	
Ordinary	344
Postal	42
Pre-poll	186
Declared Institution	0
Enrolment	11
Provisional/Silent	0
Candidates	
Total candidates	4

¹ A penalty notice is withdrawn if an elector provides a valid excuse for not voting. At the date of this report the enforcement process for failure-to-vote penalty notices for this by-election had not yet been completed.

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Lachlan Shire Council - D Ward



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Conduct of the election

Background

Lachlan Shire Council - D Ward is a council divided into five wards with 10 councillors. There were two vacancies to be filled for this by-election following the death of Councillor Max Frankel and the resignation of Councillor John Ridley.

Performance

The service standards in the Election Service Charter 2017 – 2020 were applied to the Lachlan Shire Council - D Ward by-election. In summary, the NSW Electoral Commission undertakes to:

- foster participation in the democratic process
- provide seamless service delivery
- be customer focussed and commercially minded
- be innovative and fast adaptors.

The Service Charter can be found at Appendix A.

Comparison with 2016 local government elections

Comparative key data for Lachlan Shire Council - D Ward Council in the 2019 by-election and the 2016 local government elections are shown in the following table.

	Voter participation	
	2016 election	2019 by-election
Total electors	881	831
Formal votes	604	562
Informal votes	24	21
Total votes	628	583
Voter turnout	71.28%	69.90%
Informality	3.82%	3.26%
Total staff	8 (all wards)	6
Cost per elector	\$7.40	\$35.11

Communications

Advertising

The 2019 local government by-election advertising campaign for Lachlan Shire Council - D Ward consisted of council-specific statutory advertisements and non-statutory advertising. Non-statutory advertising included information about registering as a third-party campaigner or candidate under the *Election Funding Act 2018* (EF Act).

Election reminder service

People enrolled to vote in New South Wales can sign up to the NSW Electoral Commission's free election reminder service. Subscribers to this service receive an email and/or SMS reminder of any upcoming State election and local government elections and by-elections relevant to their enrolled address.

For the Lachlan Shire Council - D Ward by-election, we sent reminders to all enrolled voters in the ward who had provided email and/or mobile details as part of their enrolment information (294 electors, 35.25 per cent of total electors), in addition to those people who had signed up for the reminder service.

Election reminder service subscribers	Reach of expanded reminder service trial	
	Early	Final reminders
	reminders sent	sent
Email	188	166
Mobile	269	258
Unique*	294	286
(*received email or SMS		
or both)		
As a percentage of electoral roll (831)	35.25%	34.29%

Statutory advertising campaign

Statutory advertisements are required in newspapers by legislation. The NSW Electoral Commission consulted Lachlan Shire Council on the placement and frequency of statutory advertisements.

Items covered in the statutory advertisements included:

- enrolment on residential and non-residential rolls
- nomination information
- candidates and polling place information
- election results.

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Advertisements were placed according to the following schedule:

Advertisement	Publication name	Publication date
Nominations and enrolment	The Land	Thursday, 2 January 2019
Notice of election	Condobolin Argus	Wednesday, 30 January 2019
	Lake Cargelligo News	Wednesday, 30 January 2019
Declaration of poll	Condobolin Argus	Wednesday, 27 February 2019
	Lake Cargelligo News	Wednesday, 27 February 2019

Reproductions of these advertisements, and details of their placement in newspapers, can be viewed at Appendices B to D.

Social media

The NSW Electoral Commission used social media to raise awareness of the election, promote voter participation, and communicate the responsibilities of political participants.

There were three Facebook posts and three tweets published for the by-election covering the topics of:

- nominations and registrations
- the announcement of candidates
- pre-poll and postal voting details
- election campaign finance rules.

The Facebook posts and tweets reached a total of 6,153 users.

The top performing tweet and Facebook post are shown on the following page.



NSW Electoral Commission @NSWElectoralCom

Three local government by-elections are on today: City of Griffith, Uralla Ward A and Lachlan D Ward. Check if you have to vote and get all the details at elections.nsw.gov.au

7:19 AM · Feb 16, 2019 · Twitter for Android



Direct communications with political participants

Direct communications to candidates, third-party campaigners and official agents were made for the by-election using email and letters. The direct communications covered the topics of:

- confirmation of candidate and third-party campaigner registrations
- advice to nominated candidates about the requirements to appoint an official agent
- confirmation of official agent registrations
- advice to official agents about the rules for managing the election campaign finances of candidates and third-party campaigners.

Website

A NSW Electoral Commission website was set up for the by-election to provide stakeholders with information on:

- the election timetable
- election employment opportunities
- enrolment requirements and online enrolment confirmation
- methods for voting
- political parties
- nomination and registration of candidates, third-party campaigners and donors

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- political donations
- list of nominated candidates
- polling place lookup facility
- election results.

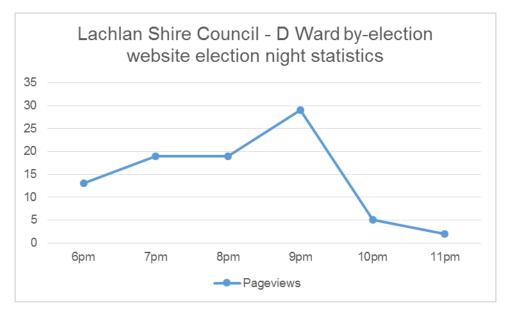
An enrolment search facility on the NSW Electoral Commission website was available to assist electors to verify their enrolment information.

Polling place information provided on the website included accessibility information for electors with a disability.

Lachlan Shire Council - D Ward provided a link on its website to the NSW Electoral Commission site. The NSW Electoral Commission's Lachlan Shire Council by-election website experienced 1,555 unique page views in the month leading up to the election.

Use of the NSW Electoral Commission's website is typically greatest on election night when users seek information on results. The following graph provides a picture of usage over the period from close of polling to midnight on election night for the by-election. A total of 161 page views were recorded on election day.





Registrations

Registration of candidates closed on Wednesday, 16 January 2019. Registration of thirdparty campaigners closed on Friday, 8 February 2019.

Four candidates were registered under the EF Act for the by-election.

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There were no third-party campaigners registered for the by-election. Following the declaration of the polls, we advised the elected candidate of their obligations under the EF Act as an elected member. The elected member was designated by the NSW Electoral Commission as their own official agent (as an elected member) and has an obligation to disclose on an annual basis (during their term as a councillor) any political donations made or received and electoral expenditure incurred.

Nominations

Nominations closed at noon on Monday, 7 January 2019.

A total of four nominations were received by close of nominations.

The draw for ballot paper position, held at 2pm on 1/16/2019, was conducted by the returning officer at the returning officer's office.

For a nomination to be accepted by the returning officer, candidates were required to complete a nomination form and a Candidate Information Sheet. Candidates were also required to pay a nomination deposit of \$125 to the returning officer.

The nomination deposit is refunded to candidates if:

- a candidate is elected or receives at least four per cent of the total first preference votes;
- in a group, any one of the group is elected or receives at least four per cent of the total first preference votes; or
- the election is uncontested.

Rolls

Residential roll

In New South Wales, enrolment and voting are compulsory at all Federal, State and Local Government elections. The New South Wales electoral roll is managed by the NSW Electoral Commission in conjunction with the Australian Electoral Commission.

Legislation provides that for Local Government elections the electoral roll closes on the 40th day before the day of the election. Any person who was on the roll when it closed at 6pm on Monday, 7 January 2019 was required to vote. Rolls are closed to allow sufficient time to print and distribute the authorised rolls and for nomination purposes. Eligible citizens can enrol and vote on election day.

There were 831 electors on the residential electoral roll for Lachlan Shire Council - D Ward. This was a decrease of 47 electors from the number on the roll for the local government elections in September 2016.

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Non-residential roll

The non-residential roll is comprised of the roll of non-residential electors and the roll of occupiers and rate-paying lessees. The non-residential roll lapses after each election. Inclusion on the non-residential roll of electors is available to electors who pay rates to the council on property they own but do not occupy, as well as people who occupy or lease property. Under the *Local Government Act 1993*, the council's General Manager is responsible for compiling and maintaining the non-residential roll of electors.

There were no electors on the non-residential roll for Lachlan Shire Council - D Ward for the 2019 by-election.

Voting

Method of voting

Section 285 *Local Government Act 1993* prescribes that the voting system in a contested election of a councillor or councillors is to be:

- optional preferential if the number of councillors to be elected is one; or
- proportional representation if the number of councillors to be elected is two or more.

For this by-election, proportional representation was the method used. A reproduction of the ballot paper is shown at Appendix E.

Absent voting

Unlike State and Federal elections, absent voting is not available at NSW Local Government elections for electors who are outside their council area or ward on election day.

Early voting

Pre-poll voting

Pre-poll voting opened at 8am on Monday, 4 February 2019 and closed on Friday, 15 February 2019. The pre-poll location was at Lachlan returning officer's office, 58-64 Molong Street, Condobolin NSW 2877

Postal voting

Electors who are registered as a Registered General Postal Voter for NSW State elections are not required to register again for local government elections and were therefore automatically sent postal vote ballot papers.

Applications for postal voters opened on nomination day with electors able to obtain applications from the NSW Electoral Commission website, the NSW Electoral Commission head office or the returning officer's office. Applications for postal voting closed on Monday, 11 February 2019.

In order to be admitted to the count postal votes needed to be received by the returning officer by 6pm on Monday, 18 February 2019. Of 68 postal votes issued, 43 were accepted, 4 were rejected and 21 were not scrutinised because they were either returned too late or not returned at all.

Election day voting

Polling places

Securing appropriate premises for polling places can be difficult. The NSW Electoral Commission does not own facilities within council areas. The pool of available rental premises is limited by the short-term nature of the lease and the NSW Electoral Commission's space, accessibility, location and workplace health and safety requirements.

The NSW Electoral Commission provided council with a draft list of proposed polling places to be used at this election. Feedback from the council was taken into consideration prior to the final selection of polling places.

As far as practically possible, the NSW Electoral Commission aimed to provide accessible and appropriately sited polling places for the by-election. Information was provided to assist electors with mobility issues or other disabilities to locate the most suitable polling place. This access information was provided on the NSW Electoral Commission's website and by NSW Electoral Commission staff.

There were two polling places for the Lachlan Shire Council - D Ward area on election day:

- Condobolin Public School Molong Street, Condobolin NSW 2877
- Tullibigeal Hall 24 Wooyeo Street, Tullibigeal NSW 2669

Both polling places were accessible with assistance and were open to electors from 8am to 6pm on election day.

Counting the votes

On election night all polling places conducted an initial sort and count of first preference votes. At the returning officer's office, declaration (i.e. postal and pre-poll) votes are opened, sorted and first preferences are counted. The count results were placed on the NSW Electoral Commission website on election night from 6pm onwards.

The successful candidates were declared elected by the returning officer at 3pm on Wednesday, 20 February 2019, following the statutory 24-hour period required for any recount requests.

Once the declaration of the election result had been signed by the returning officer, copies of the declaration were provided to the Electoral Commissioner, the Council's General Manager and the Chief Executives of both the Office of Local Government and Local Government NSW. In addition, the returning officer advised all candidates by phone, email or SMS that the election results were available on the NSW Electoral Commission website. Election results were also published in local newspapers.

Non-voters

Failure to vote

Under electoral legislation, the NSW Electoral Commission is required to issue 'failure to vote' notices to those electors whose names were not marked off the electoral roll as having voted or as having provided a valid reason for not voting.

All electoral rolls marked at polling places and in the returning officer's office were scanned after election day to create a list of non-voters. The penalty for failing to vote without a valid reason at a Local Government election is \$55.00.

For this election, 181 penalty notices were issued within the three-month period after election day.²

² A penalty notice is withdrawn if an elector provides a valid excuse for not voting. At the date of this report the enforcement process for failure-to-vote penalty notices for this by-election had not yet been completed.

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Services to candidates and political parties

Candidate information

A candidate information presentation was available on the NSW Electoral Commission website to assist prospective candidates in their preparation for the election.

The presentation provided prospective candidates with the opportunity to familiarise themselves with the candidate process. Major topics covered in the presentation include:

- the election timetable
- candidate eligibility criteria and how to nominate
- campaigning (election advertising, 'how-to-vote' material and public scrutiny of candidates)
- complaints handling by NSW Electoral Commission
- voting and counting ballot papers
- scrutineers
- election funding obligations.

The NSW Electoral Commission's *Handbook for Parties, Groups, Candidates and Scrutineers*, which outlines relevant electoral processes and procedures for local government elections, was also made available to stakeholders.

Information about election processes and election campaign finance rules was also provided to candidates, political parties and others who made telephone or email enquiries.

A fact sheet for local government by-elections was published on the website to support candidates and other political participants understand the requirements for managing political donations and electoral expenditure.

How-to-vote material

All electoral material to be distributed by candidates or their representatives on election day must be registered by the NSW Electoral Commission. Registration does not apply to posters, whether they are displayed before or on election day, nor is it required for material to be distributed before election day.

Candidates are required to provide an application form and a copy of each item to be registered. The NSW Electoral Commission provided candidates with guidelines to assist them to meet the registration requirements. A candidate help line was also set up by the NSW Electoral Commission to aid candidates.

Electoral staffing

Returning officer

The returning officer had a number of responsibilities central to the running of the election, including:

- set up and decommissioning of a temporary office
- training of office staff and polling place managers
- making arrangements for voting at polling places
- issuing and processing postal and pre-poll votes
- dealing with enquiries and complaints from candidates and the public
- processing candidate nominations
- counting of votes and declaring the result of the election.

The returning officer's office for the Lachlan Shire Council - D Ward by-election was located at 58-64 Molong Street, Condobolin NSW 2877

Returning officer support officer

A returning officer support officer was appointed in order to provide support to the returning officer on electoral matters and procedures in the conduct of the election.

Election day staffing

Staffing is a significant cost for elections and, as such, the NSW Electoral Commission recognises the importance of accurately predicting the number of staff required while taking into consideration the associated costs without compromising the level of service to electors.

The level of staffing required for the by-election varied during the different phases of the election. Staff were employed to undertake a variety of tasks including:

- office setup
- packing materials for each polling place
- registration, distribution and receipt of postal votes
- operation of pre-poll voting
- counting of the votes
- office pack-up.

All polling places have a minimum of two staff, one of whom is the polling place manager.

Election costs

Councils are required to meet the costs of conducting their elections. While the NSW Government does not provide direct funding for local government elections, some NSW Electoral Commission services required for local government elections, such as enrolment and non-voting services, are provided by the NSW Electoral Commission at no cost. It should also be noted that services provided to candidates, political parties and others regarding the requirements of the EF Act are provided by the NSW Electoral Commission at no cost.

Key cost drivers for the election included:

- election officials wages
- office accommodation for the returning officer
- information and technology support
- polling places
- number of electors in council area
- newspaper advertising and elector brochure production and distribution.
- printing/materials for polling places.

The final cost of NSW Electoral Commission conducting the election was \$29,178 (GST exclusive).

This was made up of election staffing \$18,717; venues \$546; logistics \$852; ballot papers and electoral rolls \$363; other miscellaneous items \$8,111 and election management fee \$589. The cost per elector was \$35.11.

Appendices

Appendix A: Election Service Charter 2017 - 2020 21
Appendix B: Lachlan Shire Council - D Ward by-election – nominations and enrolment advertisement
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Appendix E: Lachlan Shire Council - D Ward by-election – ballot paper

Appendix A: Election Service Charter 2017 - 2020

Goals	To be achieved by:	Success measured by:
Foster participation in the democratic process	 Conducting impartial and fair elections in accordance with the law Providing services and information to enable all election participants to participate fully including communities with historically lower participation rates Communicating election information in ways that encourage awareness and engagement Supporting events and activities that encourage participation in democracy 	 Election participants report conduct of election as impartial and fair and without barriers to participation Election participation equals or exceeds prior election levels Formality rates equal or exceed prior election levels There are no Court challenges to declared results
Provide seamless service delivery	 Providing comprehensive services including: information services enrolment services voting options including pre-poll and technology enabled voting location and accessibility of polling places services to assist those with particular needs responsibilities and entitlements of candidates, groups and political parties including funding and disclosure requirements Providing efficient services to meet needs of participants according to legislative mandate Providing election services in timely, efficient and professional manner 	 Stakeholders feel well informed about election events Election participants report satisfaction with the NSW Electoral Commission's electoral services
Be customer focused and commercially minded	 Understanding the needs of our stakeholders and users of our election services through liaison, consultation and structured feedback Delivering well organised, reliable and quality elections Ensuring elections are provided on a competitive basis 	 Participants report satisfaction with NSW Elector al Commission's services and election staff Those entities using the NSW Electoral Commission to conduct elections report satisfaction with services provided and see these are representing value Costs of providing elections are recovered The NSW Electoral Commission actively seeks feedback on its services
Be innovative and fast adapters	 Utilising new technologies to increase convenience for those participating in elections within the legislative mandate while maintaining integrity of the election and security of information Review developments in election services and funding and disclosure across Australia and internationally for possible application to NSW 	 The NSW Electoral Commission is seen as seeking to adapt its services, within legislative requirements, to meet participants' needs The NSW Electoral Commission advises Government of innovations that will strengthen the democratic system and improve administration of elections

Appendix B: Lachlan Shire Council - D Ward by-election – nominations and enrolment advertisement



LACHLAN - D WARD BY-ELECTION SATURDAY 16 FEBRUARY 2019

Enrol To Vote

A by-election will be held in the Lachlan - D Ward local government area on Saturday, 16 February 2019 to elect one councillor. If you are enrolled in the Lachlan - D Ward local government area as at **6pm on Monday**, **7 January 2019** you must vote.

Residential Roll

To check your enrolment details or to obtain a residential enrolment form, visit elections.nsw.gov.au or call 1300 135 736. You can also obtain a residential enrolment form from any Australia Post office. Enrolment forms must be received by the NSW Electoral Commission by **6pm on Monday**, **7 January 2019**.

Non-residential Rolls

A claim to be on the roll of non-residential owners of rateable land or the roll of occupiers and rate-paying lessees must be lodged with Lachlan Shire Council by **6pm on Monday**, **7 January 2019.** Details can be obtained from the council at 58-64 Molong Street, CONDOBLIN NSW 2877 or at www.lachlan.nsw.gov.au.

If a claim for non-residential enrolment was made for a previous election and you wish to claim enrolment for this election, you must re-apply.

Nominate as a candidate

Nomination as a candidate entails legal obligations and responsibilities. Check elections.nsw.gov.au for further details.

To nominate you must lodge a nomination form and the \$125 nomination deposit with the returning officer at Lachlan Shire Council, 58-64 Molong Street, CONDOBLIN NSW 2877 between Monday, 7 January 2019 and **12 noon on Wednesday, 16 January 2019.** Candidates must lodge the candidate information sheet included in the nomination form.

Nomination forms and important nomination and election information, including the Handbook for Parties, Groups, Candidates and Scrutineers, are available from the returning officer or elections.nsw.gov.au.

You must also register as a candidate for funding purposes

Candidates must register with the NSW Electoral Commission **before** accepting political donations, or making payments for electoral expenditure. Registration closes at **12 noon on Wednesday, 16 January 2019.** If you registered as a candidate for a previous election, you must reapply for this by-election.

For nomination enquiries call the candidate helpdesk on 1300 088 942. For registration enquiries call the client services team on 1300 022 011.

Voting in local government elections is compulsory for all electors included on the residential roll.

Information: elections.nsw.gov.au or 1300 135 736

For enquiries in languages other than English call the interpreting service on 13 14 50. For hearing and speech impaired enquiries, call via the National Relay Service on 13 36 77.

John Schmidt, Electoral Commissioner for New South Wales

Advertising schedule

The Land

Thursday, 2 January 2019

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Appendix C: Lachlan Shire Council - D Ward by-election – notice of election advertisement

RSW Electoral Commission			
Lachlan – D Ward By-Election Saturday, 16 Feburary 2019			
elect two councillors.	n - D Ward local g	local government area on Saturday, 16 February 2019 to government area, you must vote. To check your enrolment 736.	
Voting on ele			
Voting will take place on Saturd		019 between 8am and 6pm.	
Polling Places	5		
Venue Name	Locality	Address	
Condoblin Public School	Condoblin	Molong Street, CONDOBLIN NSW 2877	
Tullibigeal Community Hall	Tullibigeal	18 Wooyee Street, TULLIBIGEAL NSW 2669	
For accessibility information visit	elections.nsw.go	v.au or call 1300 135 736	
Pre-poll voting You can vote early in person froi 58-64 Molong Street, CONDOB • Monday, 4 February 2019 to T • Friday, 15 February 2019: 8.30 • Closed weekends Voting by post You can apply online for a posta application must be completed Monday, 11 February 2019. Postal vote applications can be s	m Monday, 4 Febr LIN NSW 2877. H hursday, 14 Febru am - 6pm I vote from electii and received by t ent via post or er SYDNEY NSW 20	uary 2019: 8.30am - 4.30pm ons.nsw.gov.au or by calling 1300 135 736. Your he NSW Electoral Commission no later than 5pm mail:	
Name of candidate		Party Affiliation	
SCOTT Graham		-	
LEVY Liz		Independent	
BRADY Dennis		Independent	
BENDALL Elaine		Independent	
Candidate information sheets Each candidate's information sheet is available for viewing at elections.nsw.gov.au or at the returning officer's office or at polling places. Voting is compulsory			
Voting is compulsory for all electors of the Lachlan - D Ward local government area. The penalty for not voting is \$55.			
Information: elections.nsw.gov.au or call 1300 135 736			
 For enquiries in languages other than English, call our interpreting service 13 14 50. For hearing and speech impaired enquiries, call us via the National Relay Service on 13 36 77. 			
Colleen Matson, Returning Officer			

Advertising schedule

Condobolin Argus	Wednesday, 30 January 2019
Lake Cargelligo News	Wednesday, 30 January 2019

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Appendix D: Lachlan Shire Council - D Ward by-election – declaration of poll advertisement



LACHLAN D WARD BY-ELECTION SATURDAY, 16 FEBRUARY 2019

Result of election

An election was held to elect two councillors. I declare **Elaine BENDALL** and **Dennis BRADY** elected as councillors until the next ordinary election of the Council.

Detailed results are available from the NSW Electoral Commission website.

Colleen Matson, returning officer 20 February 2019

Information: elections.nsw.gov.au or 1300 135 736

For enquiries in languages other than English, call us via the Translating and Interpreting Service on 13 14 50.

If you are deaf, or have a hearing or speech impairment, call us via the National Relay Service on 13 36 77. 🗄

Advertising schedule

Condobolin Argus	Wednesday, 27 February 2019
Lake Cargelligo News	Wednesday, 27 February 2019

Appendix E: Lachlan Shire Council - D Ward by-election – ballot paper

